

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Leslie R. DeGroot,

Plaintiff,

vs.

Stutsman County Park Board
Commissioners, Fritz Fremgren, City of
Jamestown Police Department, Ken
Dahlstad, Bureau of Reclamation, and
Department of the Interior,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 3:06-cv-71

Before this Court is Plaintiff's request to proceed *in forma pauperis* and accompanying complaint, as well as multiple documents that appear to be copies of documents prepared by Plaintiff for filing in state court. Plaintiff's federal suit is premised on Stutsman County's refusal to allow Plaintiff to file a civil complaint. The Court is in receipt of a Report and Recommendation of United States Magistrate Judge Karen K. Klein (doc. #2), which recommends *in forma pauperis* status be denied. Plaintiff has filed an objection to his Report and Recommendation (doc #3).

Magistrate Judge Klein's Report and Recommendation takes judicial notice of a December 29, 2005 Order of Judge John T. Paulson of Stutsman County which found, in part, Plaintiff's filings to be "meritless, frivolous, vexatious, repetitive, and lacking any legal basis or evidence whatsoever."

The trial court has discretion in deciding whether or not to grant *in forma pauperis* status. Lee v. McDonald's Corp., 231 F.3d 456, 458 (8th Cir. 2000). A Court may dismiss an *in forma pauperis* complaint at any time if the action is deemed to be frivolous. 28 U.S.C. § 1915(e)(2). An action is deemed frivolous if "it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). Here, Plaintiff makes numerous allegations concerning murder

plots, satellite attacks, multiple conspiracies, electronic mind control, and spy networks, all of which interfere with Plaintiff's construction of a cat kennel. Plaintiff's objection is similarly fantastic. Upon review of the underlying record, this Court concludes that Magistrate Judge Klein's recommendation is correct. The Court adopts the report and recommendation in its entirety. Plaintiff's request to proceed *in forma pauperis* is **DENIED**.

IT IS SO ORDERED.

Dated this 24th day of January, 2007.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court